

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

RICHARD E. WILMSHURST,

Plaintiff, No. CIV S-04-0988 DFL KJM PS

vs.

BILL LOCKYER, Attorney General, et al.,

Defendants. ORDER

\_\_\_\_\_/ This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).

On April 22, 2005, defendants filed a motion to dismiss, which currently is calendared for hearing on June 8, 2005. No opposition to the motion to dismiss has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o party will be entitled to be heard in opposition to a motion at oral arguments if written opposition to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j) provides that failure to appear may be deemed withdrawal of opposition to the motion or may result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or within the inherent power of the Court.”

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of June 8, 2005 is vacated. Hearing on defendants' motion to  
3 dismiss is continued to June 29, 2005 at 10:00 a.m. in courtroom no. 26.

4 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than  
5 June 15, 2005. Failure to file opposition and appear at the hearing will be deemed as a statement  
6 of non-opposition and may result in a recommendation that this action be dismissed pursuant to  
7 Federal Rule of Civil Procedure 41(b).

8 DATED: June 1, 2005.

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11 UNITED STATES MAGISTRATE JUDGE  
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